

PAROLE BOARD OF CANADA
DECISION

OFFENDER INFORMATION :

Name : MACLEOD, ETHAN SIMON TEMPLAR
Institution : [REDACTED] INSTITUTION

FPS : [REDACTED]
FILE NO : [REDACTED]

TYPE OF REVIEW :

- DAY PAROLE - PRE RELEASE (PANEL)
- FULL PAROLE - PRE RELEASE (PANEL)

PANEL INFORMATION :

OBSERVER (S) PRESENT (except during deliberations) : NO

ASSISTANT PRESENT : YES

EXCLUDED FROM PART OF HEARING : NOT APPLICABLE

ELDER /ADVISOR : NO

REASON : NOT APPLICABLE

FINAL DECISIONS :

DAY PAROLE - PRE RELEASE	NO ACTION	2018-11-07
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No action with respect to your application for day parole

FULL PAROLE - PRE RELEASE	GRANTED	2018-11-07
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LEAVE PRIVILEGES : NOT APPLICABLE

SPECIAL CONDITIONS :

FULL PAROLE - PRE RELEASE

Condition	Status
• OTHER SPECIAL CONDITION Should you decide to return to Canada at any time in the future, you must first notify the Parole Board of Canada and the Correctional Service of Canada.	IMPOSED

PREVIOUSLY IMPOSED SPECIAL CONDITION(S) STILL IN EFFECT : NOT APPLICABLE

NEW INFORMATION SHARED WITH THE OFFENDER : NOT APPLICABLE

REASONS FOR DECISION(S) :

The Parole Board of Canada (the Board) reviewed your case by way of a hearing to make a decision about your day and full parole.

The Board has an extraordinary responsibility in reviewing offenders with an indeterminate

FPS : [REDACTED]

Name : MACLEOD, ETHAN SIMON TEMPLAR

File No : [REDACTED]

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Date and Time Locked: 2018-11-09 10:31

Page 2 of 7

Time is based on a 24-Hour Clock Period

sentence such as yours. As such, the usual parole criteria must be carefully considered and applied in order to ensure that an indeterminate sentence is tailored to meet the circumstances of your case and to ensure that continued incarceration does not violate Section 12 of the Charter.

To make its decision, the Board must determine whether you will not, by re-offending, present an undue risk to society before the expiration of your sentence. The Board must also consider whether your release will contribute to the protection of society by facilitating your reintegration into society as a law-abiding citizen.

The Board considered your written representations received by the Board on August 29, 2018 in which you outline your release plan. Letters from outside supports were received by the Board on October 16, 2018 and September 27, 2018 and were also taken into consideration as they show that there are services available in the [REDACTED] to help you reintegrate society. The Board is also in receipt of your lawyer's submission from November 6, 2018 outlining the parole system in [REDACTED].

After considering the following information, the Board has decided to take no action on your day parole and to grant full parole for deportation. The Board explains its reasons below.

You are a 47-year-old first time federal offender serving an indeterminate sentence. You were declared a Dangerous Offender on December 21, 2001 after being convicted of a number of violent offences including Robbery – All Others (x2); Aggravated Sexual Assault – All Others (x2); Aggravated Assault; Possess Weapon/Dangerous Purpose; Overcome Resistance – Choke; and Forcible Confinement. According to file information, your convictions result from three separate incidents that took place in Halifax, Nova Scotia. In February 1998, while robbing a retail store, you struck a female employee with a bat, fracturing her skull. A few months later, in May 1998, you attacked and sexually assaulted a female victim as she was walking home from work. In June 1998, you met a woman in a bar and took her to your residence to call a cab. You would not let her leave and you choked and sexually assaulted her.

In his oral judgement following the Dangerous Offender proceedings, the Judge stated he did not believe that there was any “realistic prospect of controlling the threat of dangerousness and managing the risk” that you would present in the community, adding that your “behaviour would likely result in death, severe physical injury or psychological damage to a future victim”. He concluded that in his opinion, there was no period of time after which he felt you would no longer pose a risk and that the court was not willing to “gamble on the safety of the public” given that risk.

Victims have described over the years the devastating impact your actions had on their lives.

Your criminal history dates back to 1998. Prior to being convicted of the index offences, you had convictions for Fail to Attend Court (1998) and Criminal Harassment (1999). You are a citizen of the [REDACTED] and you have an extensive criminal record in the [REDACTED] including convictions for Manslaughter; Sexual Abuse (x3); Criminal Harassment; Aggravated Sexual Assault (x2); Robbery (x2); Aggravated Assault; Choking with Intent; and Unlawful Confinement. There is an active removal order on your file from Canada Border Services Agency (CBSA) and you have an outstanding sentence in the [REDACTED] of between two and a third and seven years that you have yet to serve. In addition, you have an outstanding charge for absconding which you expect will warrant you a consecutive sentence of many years.

With respect to your social history, file information indicates that you are originally from [REDACTED], and that you were an only child. Your father died of cancer when you were 14. You were an above average student in school and finished high school, even being designated valedictorian, but did not attend your graduation as you were [REDACTED]

[REDACTED] you committed sexual assaults against two women and in May 1996 you fled to Canada. You have held a number of jobs, both in the [REDACTED] and Canada, but never lasted long at any of them. At the time of your arrest in 1998, you were working as a cook at a fast food restaurant. You have been involved in a handful of romantic relationships, with the longest one lasting five years. You are not married and have no children. You state that you have never used recreational or non-prescription drugs and that alcohol has never been an issue for you.

Your Statistical Information on Recidivism (SIR) score of +4 places you in a category where two out of three like offenders will not commit an indictable offence within three years of release. At intake, your motivation level and reintegration potential were both rated medium. Your motivation level is now rated high and your reintegration potential is rated low. You are currently assessed as having a moderate need for improvement in the areas of personal/emotional orientation, attitude, and marital/family.

File information indicates that your institutional behaviour since your last review has been appropriate. You have not incurred any institutional charges or segregation placements and have maintained a security classification of medium. You have also maintained full time employment.

Your most recent psychological risk assessment was in September of this year. The psychologist noted in the assessment report that there was no need to re-score most actuarial measures as there had been no changes to the factors affecting the results of the most recent testing. The psychologist concluded that you continue to present as a high risk to re-offend sexually and that there is no institutional programming that would reduce your risk to a point where it would be manageable in the community. The report notes that the next logical step for you would be a transfer to minimum security, which would naturally require an assessment by your case management team (CMT) of your escape risk. The report notes that, the last time you were unlawfully at large, you committed further offences and that your risk for both general and violent recidivism is in the moderate range. Although the psychologist does not believe that your risk can adequately be managed in the community at this time, she noted that you are still working on an eventual release plan that includes continuing to participate in counselling. She added that any form of release to the community would need to be highly structured and gradual and would need to include mental health support and ongoing counselling.

The Board notes that you have successfully completed the Anger/Emotion Management Program in May 2008, the National High Intensity Sex Offender Program in June 2014, and the National Maintenance Sex Offender Program in August 2015. During the period under review, you have not participated in any further programming. Your parole officer confirmed today that you were program complete and he could not foresee any additional intervention.

You were involved in 32 therapy sessions in 2017 and 15 sessions in 2018 with the institutional psychologist. Dr. Ivanoff underlines the various diagnostic suggestions in your file. He is under the impression that you are not a psychopath but you present a combination of an arrested personality development that contributes to prevalently narcissistic symptoms and a manifestation of neurotic conflicts with mostly post-traumatic dynamics. He adds that his analysis shows deep remorse contrary to the indication in your file that you lack remorse. Dr. Ivanoff suggests that perhaps you can be safely transferred from Canadian to [REDACTED] when your re-offense risk scores from moderate (violence and general) to high (sex) are considered.

As noted, your current reintegration potential is assessed as low and you continue to have an outstanding sentence to be served upon your eventual return to the [REDACTED]. Consequently, no community strategy was requested. You have indicated that your release plan is to return to the [REDACTED] to serve out your sentence there and to work towards an eventual release into the community in the [REDACTED]. You have reached out to a number of re-entry services in [REDACTED] and have provided the Board with a written response from [REDACTED] as well as a letter from the [REDACTED] regarding re-entry issues.

Based on your assessed low reintegration potential and the results of your recent psychological assessment that notes your risk to re-offend sexually remains high, the Correctional Service of Canada (CSC) is of the opinion that your risk continues to be unmanageable on any form of release. CSC is recommending both day and parole denied.

The Board must give close attention to whether your specific needs have been fully identified and addressed; in particular, whether your case management and correctional planning have been customized to fit your present circumstances. Because you have been incarcerated for a lengthy period, the Board has a duty to consider whether treatment interventions and/or programs have been offered to you, whether your needs have changed over time, and whether more appropriate treatment/programs are available that may address those needs.

After a review of your file, and based on the hearing today, the Board finds that your sentence has been tailored to fit your needs, for the following reason: you were given the opportunity to be involved in weekly sessions with the institutional psychologist.

In making its decision, the Board has had the benefit of three previous Board decisions that detailed the progress you made over the years through either programming or counselling. In addition, the efforts that you put into preparing a viable plan for your release in the community in a few years began to show results as you were able to secure responses from various organizations detailing the assistance you would receive once in the community.

At today's hearing, you expressed remorse for your actions and indicated that you review victim impact statements from time to time in order not to forget the impact of your actions. You said that the focus of your time in jail is spent to rehabilitate yourself and you need to remember the harm that you have caused. The Board is sceptical of your explanation as your crimes were so serious that you should carry with you at all times the horror of what you did. To the Board, you displayed a facet of your narcissistic personality as you showed that you are primarily concerned with yourself.

It is clear from reviewing your files and listening to your answers today that you had a very difficult upbringing fraught with sexual, violent and emotional abuse. You explain that it brought upon cognitive distortions. You were looking for care and affection. When you felt rejected you meant to hurt as much as you were hurting. You were carrying a lot of rage that made you snap at times. While you have no problem acknowledging the violent side of your crimes, you still have a harder time recognizing the sexual component of your crimes, as you argue that your crimes were not sexually motivated. At the end of the hearing, you admitted that your actions amounted to being sexually deviant but the Board questions the sincerity of your admission.

As for your other crimes, you agreed with the Board that you lied and used manipulation, as evidenced by your use of fake names and your defrauding the Archdiocese. You said that you acted out of necessity as you were illegally in a foreign country with no support.

To your credit, you sought psychological help most of your life after [REDACTED]. You did not always receive it at crucial times in the community but were able to receive counselling for



significant periods during your incarceration. Given your [REDACTED] trauma and the way it shaped your personality, counselling is essential in preparing you for a return to the community, as were the programs that you successfully completed. Your file gives examples of stressful and frustrating situations where you used learned skills to approach the situations with restraint and appropriate behaviour.

You are program complete but participate in voluntary programs and have started seminary studies. Your goal is either to be ordained one day or achieve a doctoral degree. As mentioned in your file, you are highly intelligent. Pursuing studies gives a purpose to your life which in turn is a protective factor for an eventual return in the community.

The Board considered all aspects of your file against the backdrop of your dangerous offender designation, the extreme violence associated to your crimes, the sexual component present in certain cases, the harm inflicted on the victims, your assessed high risk for sexual recidivism and the fact that you are a medium security offender.

At the same time, the Board considered the length of your incarceration, your satisfactory institutional behaviour, your successful completion of core programming, your ongoing involvement in counselling sessions, your participation in voluntary programs and your release plan. The Board adds that all these factors would not have been enough at this stage in your sentence to send you back to the [REDACTED] had it not been for the fact that you face many more years of incarceration in your country which will give you the benefit to continue to better yourself in a secured environment.

The Board takes no action on day parole and grants full parole for deportation. It is the Board's opinion that you will not present an undue risk to society if released to the [REDACTED] authorities to serve your sentence of up to seven years in addition to an eventual consecutive sentence for absconding to Canada. Should you decide to return to Canada at any time, you must inform the Board and CSC of your return as you still have an indeterminate sentence in Canada.

DECISION(S) AND VOTES :

DAY PAROLE - PRE RELEASE	NO ACTION	2018-11-07
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Board Member	Vote	Vote Date
POIRIER, S	NO ACTION	2018-11-07
MASON, R	NO ACTION	2018-11-07

FULL PAROLE - PRE RELEASE	GRANTED	2018-11-07
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Board Member	Vote	Vote Date
POIRIER, S	GRANTED	2018-11-07
MASON, R	GRANTED	2018-11-07



SIGNATURES :

POIRIER, S

Board Member Signature Date

MASON, R

Board Member Signature Date